ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

RECEIVED

AUG 2 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
CREATION OF A LOW POWER	)	MM Docket No. 99-25
RADIO SERVICE	)	
	)	RM-9208
	)	RM-9242

TO: The Commission

COMMENTS OF HOLSTON VALLEY BROADCASTING CORPORATION

Holston Valley Broadcasting Corporation, licensee of a number of commercial broadcast stations, hereby respectfully submits its Comments in the above-captioned proceeding. Those Comments are contained in the attached statement.

Respectfully submitted,

HOLSTON VALLEY BROADCASTING
CORPORATION

By _____

Dennis J. Kelly
(D. C. Bar #292631)
Its Attorney

LAW OFFICE OF DENNIS J. KELLY
Post Office Box 6648
Annapolis, MD 21401
Telephone: 888-322-5291

August 2, 1999

No. of Copies rec'd 0+4
List ABCDE

In the Matter of Creation of a Low Power Radio Service	))))))	MM Docket No. 99-25 RM-9208 RM-9242

Comments of
HOLSTON VALLEY BROADCASTING CORPORATION

Introduction

Holston Valley Broadcasting Corporation (Holston) is headquartered in Kingsport, Tennessee, and is licensee of four AM broadcast stations (WKPT, WKTP, WOPI, and WMEV), two FM stations (WTFM and WMEV-FM), full service UHF TV station WKPT-TV, and multiple LPTV stations. It is also party to a time brokerage agreement by which it provides most of the programming for and sells advertising on a third FM station (WRZK). All of these stations are licensed to communities located either within the Tri-City TN/VA (Johnson City-Kingsport, Bristol) Metropolitan Statistical Area (MSA) or in a county immediately adjacent to that MSA.

Holston generally opposes the creation of a Low Power Radio Service (LPFM) as such a service is envisioned in the instant proceeding.

General Technical Factors

The existing, already substantially relaxed, interference standards on the FM broadcast band have already resulted in interference to reception of FM broadcast stations and the loss of service previously provided by many stations. In an age when the public is equipped ---- especially for automobile listening ---- with the best and most sensitive FM Broadcast receivers ever distributed on a mass basis, most stations have long lost the ability to be heard to the natural limits of their coverage.

This is because changes already made in the Commission's rules have allowed new stations to be created operating on channels located first and second adjacent to the channels occupied by existing stations in areas where the older stations could be heard for years. In other instances changes in the rules have allowed first and second adjacent channel stations to increase their power substantially creating the same effect. In still other instances the Commission has allowed translator stations to serve areas in which an older FM station was once heard, translators which transmit on the same channel or on a channel adjacent to that of the existing older station.

For example, for decades Holston's WTFM, 98.5 mHz, could be heard in and around Knoxville, Tennessee; however, first adjacent channel stations on 98.3 in Sweetwater, TN, and on 98.7 in Oliver Springs, TN, have rendered such listening to WTFM impossible. Another example is the inability of Holston's WMEV-FM to be heard without interference in such areas as Bean Station and Rutledge, TN, due to interference from a co-channel translator licensed to Gatlinburg, TN, some forty air miles from Rutledge.

With the coming of In-Band-On-Channel (IBOC) digital transmission in the foreseeable future, the absence of interference on channels first, second, and even third adjacent to a station's assigned frequency is going to be imperative. One only needs to recall the experience of attempting to receive Subsidiary Communications Authorization (SCA) signals from an FM station in the presence of adjacent channel interference. Holston has had years of experience with SCA transmission and reception. The sub-carrier frequencies used for SCA transmission are not unlike the IBOC digital components FM stations will soon be transmitting. Both can be rendered useless by interference from first, second, and even third, adjacent channel operations.

Surely the Commission can allow all of the crucial IBOC tests be concluded and the IBOC standards set before seriously considering loading hundreds of additional signals onto the already-crowded FM broadcast band.

Special Technical Factors Applicable in an Emergency

Above was referenced the fact that especially in cars where most radio listening occurs the public is now blessed with the best FM broadcast receivers ever manufactured on a mass basis. Although most FM listening occurs in vehicles, important listening occurs on smaller, less expensive radios as well ---- bedside radios, small table radios on desks in the work place, and portable sets, some of which are very inexpensive and lack the selectivity more advanced receivers display.

A time when small battery-powered portable receivers are used most is in the event of an emergency when commercial power is out, and listeners rely on such inexpensive portable sets to receive vital emergency information from area stations. These are instances when a poorly-engineered over-modulated "community LPFM" station nearby (or even one being operated in accordance with the Commission's rules as they are proposed in many cases) could easily prohibit the reception of important information provided by a traditional FM station.

The Commission absolutely cannot assume that the thousands of one watt to one thousand watt LPFM stations, which could result from this proposal, will be operated in a technically-sound manner.

Those with a few decades of experience in this business will recall sampling the old 10 Class D non-commercial FM stations, which were once common-place, and the lack of technical quality, which was prevalent among them.

The Commission's field enforcement resources are already sorely taxed. The prospect of "riding herd" on thousands more "little" FM facilities is mind-boggling, not to mention the administrative nightmare of dealing with so many new facilities!

All but 100 kHz of the "standard broadcast" medium wave AM band is a terrible mess today, because of interference, which resulted from the continued "shoe-horning" in of more and more stations. Those interference problems are part of what caused listeners to turn to FM, where the vast majority of radio listening now occurs. Why should public policy allow the same thing to happen to FM?

Diversity of Programming and Ownership

The Commission's own studies have shown that most of the stations, which might be created if the proposal is adopted, will be in rural areas, not in major cities where ethnically and racially diverse populations live. Furthermore the Supreme Court has already thwarted the Commission's previous efforts to assure preferences for women and members of racial and ethnic minorities.

In rural areas where LPFM stations might be at least somewhat feasible technically, there is often a very real need to preserve that portion of the existing broadcast service, which is now on the AM band. The alternative of truly low power FM translators to relay the programming of small AM stations could fulfill that need.

Existing Responsible AM Broadcasters Need Limited LPFM

Many if not most licensees operating on the "standard broadcast" AM band are struggling financially. For the most part these are responsible, rule-abiding broadcasters many of whom have served or attempted to serve their communities and surrounding areas for decades. Unfortunately because communities have grown geographically and because of the above-referenced technical shambles the Commission has allowed to be made of the AM band interference-wise, many of these broadcasters cannot even reach the limits of their own communities of license on an interference-free basis.

When FM broadcasters are unable to reach often far-flung portions of their markets due to topography and other limiting factors, they are able to gain permission to construct low power FM

"translator" stations to fill in the coverage gaps. Translators in the AM band, however, are not feasible. Where limited opportunities exist for the addition of truly low power FM facilities (e.g. under 100 watts or even 10 watts ERP), why not allow responsible AM broadcasters to use such FM facilities to at least cover their home communities of license?

Surely a long term experienced AM broadcaster, who is accustomed to abiding by the Commission's many rules and is accustomed to providing good service to its community, is better qualified to use what remains of this precious FM broadcast band resource than many if not most of those who have petitioned for the creation of the proposed LPFM service.

The current Commission policy of not allowing AM stations to establish FM translators reminds Holston of the Commission's former policy with regard to television translators. In the old days (the 1960's into the '70's as we recall) VHF TV translators, which were then considered vastly superior to UHF TV translators, were only allowed to be owned by VHF TV stations. VHF stations were of course vastly superior technically to UHF stations, and an examination of the typical ratings and revenues of most VHF stations and most UHF stations today shows this is still the case.

In those days, if one were the licensee of a UHF station, one was limited to the ownership of the more expensive and generally inferior UHF translators, which were then allowed only 10% as much power as today and were relegated to the upper UHF channels, 70 through 83 (no longer allocated to TV broadcasting).

As with the Commission's current policy of not allowing AM stations to operate FM translators relaying the programming of those AM stations, it was a classic example (to use the colloquial of our Appalachian mountain region) of "Them that's got are them that gets!"

In many rural communities small AM stations can be purchased today for substantially less than a modest home. Many of the would-be broadcasters who desire creation of the proposed LPFM service could afford to acquire small AM facilities of the type discussed above. The addition of very low-powered FM translators relaying the signals of such AM stations so that their licensees could better serve their home communities of license would make such stations not only more viable in general, but also attractive buys for these new prospective radio broadcasters.

The relative coverage of a small AM station and a small FM translator is a matter with which Holston is very experienced. Two of its AM stations (WKPT & WOPI) are Class C (formerly known as Class IV) operations. The Class C AM service is the one,

which is allowed to occupy only six of the 117 channels on the AM band, but contains some 25% of the roughly 5,000 AM stations. 'Talk about interference! Many of these stations have nighttime interference-free contours, which extend less than a couple of miles from their transmission towers; yet they are trying to serve communities whose city limits often extend ten or more miles from those towers.

Holston is the licensee of a seven watt FM translator in Bristol, TN, which at night in its home community provides better service to much of that community than the Class C AM station of which Holston is licensee in the same community. That AM station runs 1,000 watts. Of course under current Commission policy the seven watt FM translator cannot relay the programming of Holston's small AM station precisely because that station is an AM station.

Conclusion

Creation of the proposed Low Power Radio (LPFM) service on the FM broadcast band at this time is both ill-timed and technically ill-advised. Neither will it achieve the purported goal of providing ethnic and racial diversity of ownership and programming in large ethnically and racially diverse markets.

Technically it would jeopardize the development of IBOC digital broadcasting on the current FM broadcast band, a band which has already become over-loaded and interference-laden by the previous introduction of additional stations and previously permitting the lowest power class of regular FM broadcast stations to increase their power levels.

Most of the proposed LPFM operations would not be in major metropolitan areas where ethnic programming is most desired, but would instead be located in rural areas, where struggling AM licensees many of which are unable to reach their home communities with an interference-free signal especially at night, could utilize truly low power FM translators to relay the programming of their AM stations to those parts of their communities they cannot clearly reach. A change in Commission policy to allow such service would provide deserving listeners with responsible broadcast service from responsible and generally experienced community-oriented broadcasters.

Respectfully submitted,

HOLSTON VALLEY BROADCASTING CORPORATION

By: George E. DeVault

George E. DeVault, Jr., its President

"translator" stations to fill in the coverage gaps. Translators in the AM band, however, are not feasible. Where limited opportunities exist for the addition of truly low power FM facilities (e.g. under 100 watts or even 10 watts ERP), why not allow responsible AM broadcasters to use such FM facilities to at least cover their home communities of license?

Surely a long term experienced AM broadcaster, who is accustomed to abiding by the Commission's many rules and is accustomed to providing good service to its community, is better qualified to use what remains of this precious FM broadcast band resource than many if not most of those who have petitioned for the creation of the proposed LPFM service.

The current Commission policy of not allowing AM stations to establish FM translators reminds Holston of the Commission's former policy with regard to television translators. In the old days (the 1960's into the '70's as we recall) VHF TV translators, which were then considered vastly superior to UHF TV translators, were only allowed to be owned by VHF TV stations. VHF stations were of course vastly superior technically to UHF stations, and an examination of the typical ratings and revenues of most VHF stations and most UHF stations today shows this is still the case.

In those days, if one were the licensee of a UHF station, one was limited to the ownership of the more expensive and generally inferior UHF translators, which were then allowed only 10% as much power as today and were relegated to the upper UHF channels, 70 through 83 (no longer allocated to TV broadcasting).

As with the Commission's current policy of not allowing AM stations to operate FM translators relaying the programming of those AM stations, it was a classic example (to use the colloquial of our Appalachian mountain region) of "Them that's got are them that gets!"

In many rural communities small AM stations can be purchased today for substantially less than a modest home. Many of the would-be broadcasters who desire creation of the proposed LPFM service could afford to acquire small AM facilities of the type discussed above. The addition of very low-powered FM translators relaying the signals of such AM stations so that their licensees could better serve their home communities of license would make such stations not only more viable in general, but also attractive buys for these new prospective radio broadcasters.

The relative coverage of a small AM station and a small FM translator is a matter with which Holston is very experienced. Two of its AM stations (WKPT & WOPI) are Class C (formerly known as Class IV) operations. The Class C AM service is the one,